IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WA.No. 158 of 2004

AGAINST THE JUDGEMENT IN OP.39112/2002 Dated 23/10/2003
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APPELLANTS/RESPONDENTS 2 & 3
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1. MUNDAKKAYAM GRAMA PANCHAYAT
   REPRESENTED BY SECRETARY, MUNDAKKAYAM P.O.

2. THE SECRETARY, MUNDAKAYAM GRAMA
   PANCHAYAT, MUNDAKKAYAM P.O.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/PETITIONERS & 1ST RESPONDENT
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1. ABDUL SALAM S/O. LATE SYEDMUHAMMED
   PUTHENPURACKAL HOUSE, VENDAPATHAL P.O.,
   MUNDAKKAYAM, ERUMELI NORTH VILLAGE.

2. A.REHMATHULLA
   S/O. LATE AHAMMED RAWTHER, KOLLAMPARAMBIL HOUSE,
   FATHIMA CHICKEN CENTRE MUNDAKAYAM P.O.,
   MUNDAKKAYAM.

3. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION
   DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.T.M.ABDUL LATHEEF
R3 BY SPECIAL GOVERNMENT PLEADER MR.C.T.RAVIKUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.158 of 2004

Dated, this the 10th day of July, 2007

JUDGMENT

K.T.Sankaran, J.

This writ appeal is filed by the second respondent Panchayat in O.P.No.39112 of 2002. Petitioners in the writ petition applied for grant of licence to run meat stalls . The Panchayat did not take any decision on Exts.P9 and P10 applications filed by the petitioners for renewal. The writ petition was filed for a direction to the Panchayat to take decision on those applications.

2. The learned Single Judge directed that the applications made by the petitioners for renewal of licence shall be considered by the Panchayat and appropriate orders passed. It was also held that if the petitioners satisfy the stipulations for grant of licence, licence shall be issued to them. Further it was held that the interim order by which the petitioners were allowed to continue to run the meat stalls will remain in force till a decision is taken by the Panchayat.

3. By the judgment impugned, the Panchayat was only directed to dispose of the applications filed by the petitioners in the writ petition. The observation made by the learned Single Judge that the petitioners shall submit the applications within one month from the date of judgment is objected to by the learned counsel for the appellants. This direction was issued in the wake of the submission made by the Panchayat that Exts.P9 and P10 applications were not subsisting. No document was produced to prove that Exts.P9 and P10 applications were disposed of. The observation made by the learned

Single Judge is by way of abundant caution that if the applications were not available, the petitioners in the writ petition were entitled to make fresh applications. The appellants cannot be aggrieved by the said direction.

No grounds are made out for interference with this appeal. Accordingly the writ appeal is dismissed.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns